

(2022-108)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

SILVIA ALANIZ

VS.

CUTLER REPAVING, INC.

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§

Civil Action No. _____

JURY DEMANDED

NOTICE OF REMOVAL

Defendant CUTLER REPAVING, INC., files this Notice of Removal to the United States District Court for the Southern District of Texas, McAllen Division, pursuant to 28 U.S.C. § 1441, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On February 2, 2022, Plaintiff commenced an action in the 92nd Judicial District Court of Hidalgo, Texas, Cause No. C-0642-22-A, styled Silvia Alaniz v. Cutler Repaving, Inc. Plaintiff alleges Defendant is liable for negligence under a premises liability theory.

2. On February 28, 2022, Defendant was served with a copy of Plaintiff's Original Petition.

3. In addition, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* Pet. Paragraph XI, page 5.

4. At the time suit was filed, and continuing to the present, this Court had, and still has, original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship between Plaintiff and Defendant. There are no statutory bars against removal to the United States District Court, Southern District of Texas.

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

PARTIES

6. At the time Plaintiff's Original Petition was filed and continuing to the present, Plaintiff is alleged to be a citizen of, and domiciled in, the State of Texas. *See* Pet. Para. II.

7. At the time Plaintiff's Original Petition was filed and continuing to the present, Defendant Cutler Repaving, Inc. was and still is a Kansas City Corporation with a principal place of business in St. Lawrence, KS.

8. There is complete diversity between the parties.

9. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

10. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All orders signed by the State Judge (Exhibit B)
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendant CUTLER REPAVING, INC., requests that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Dated: March 23, 2022.

Respectfully submitted,

“/s/” Anthony B. James

Anthony B. James, Attorney in Charge
State Bar No. 10537300
Federal I.D. No. 3785

Marco A. Jilpas
State Bar No. 24071331
Federal I.D. No. 2983324

HODGE JAMES JILPAS & NICHOLS
Attorneys at Law
P.O. Box 534329 (78553)
1617 E. Tyler, Suite A
Harlingen, Texas 78550
Telephone: (956) 425-7400
Facsimile: (956) 425-7707

Attorneys for Defendant, CUTLER REPAVING, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Notice of Removal has been served on the 23rd day of March, 2022 to all attorneys of record as follows:

E-Service: dolivarez@zreynalaw.com

Ezequiel Reyna, Jr.

Tomas A. Caquias

Law Offices of Ezequiel Reyna, Jr., P.c.
702 W. Expressway 83, Suite 100
Weslaco, Texas 78596

Email: Zeke@zreynalaw.com

Email: tcaquias@zreynalaw.com

Attorneys for Plaintiff

“/s/” Anthony B. James

Anthony B. James